

REMARKS

The Examiner has required restriction of the claims to one of the following groups:

- I. Claims 1-11, drawn to modified Cry protein;
- II. Claims 12-21, drawn to methods of making Cry protein;
- III. Claims 22-31, 37-38 and 39-40, drawn to DNA, expression vector, host cells and transformed host organism;
- IV. Claims 32-35, drawn to methods of making Cry protein; or
- V. Claim 36, drawn to antibodies.

Because it is required to select one of the above groups, Applicants elect Group I, directed to Cry protein, with traverse. The basis for the traversal is as follows.

The crux of the present invention lies in insecticidal Cry proteins engineered to have increased sensitivity to pepsin degradation. In contrast to its unmodified counterpart, a modified Cry protein of the invention may be expressed by a transgenic plant and protect that plant from insect damage, with the advantage that the protein will not persist in the digestive tract of a mammal that ingests the plant or its seed. This central feature is present in all the pending claims.

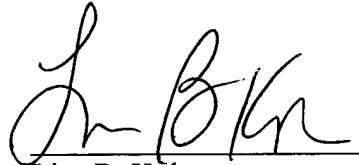
The Examiner is respectfully requested to reconsider the present restriction requirement, such that all claims are considered together. The subject matter of Group II, characterized as a method of *making* Cry protein in the official action, in fact contains claims that address methods for *modifying* Cry protein by introducing the mutations recited in the protein composition claims. Group III contains claims providing for nucleic acids encoding these mutant proteins, as well as vectors and organisms containing the nucleic acids. Group IV

provides for methods of using those nucleic acids to produce their encoded protein. Applicants believe that the same search which would be performed to search Group I - mutants of Cry protein - would necessarily also encompass the subject matter of Groups II, III and IV.

Similarly, a search directed to the modified Cry protein would encompass antibodies to that protein, as references disclosing an antibody to a protein would be a subset of all references relating to the protein in general. Accordingly, it is requested that all the claims be considered together.

Please charge any additional fee which may be due to Deposit Account No. 02-4377. A duplicate of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', written over a horizontal line.

Lisa B. Kole  
PTO Reg. No. 35,225  
(212) 408-2628

Attorney for Applicant